



March 21, 2007

H.R. 1195 - To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

Floor Situation

H.R. 1195 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This bill was introduced by Representative James Oberstar (D-MN) on February 27, 2007 and was reported by the House Committee on Transportation and Infrastructure as amended, by voice vote, on March 21, 2007.

H.R. 1468 is expected to be considered on the floor of the House on March 21, 2007.

Background

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (PL 109-59) was signed into law by President Bush on August 10, 2005. This legislation (SAFETEA-LU) was a re-authorization of surface transportation programs.

During the 109th Congress, Transportation and Infrastructure Chairman Don Young (R-AK) introduced H.R. 5689, which provided technical changes to P.L. 109-59. This legislation passed the House of Representatives by voice vote on June 28, 2006, but was never considered by the full Senate (although the Senate Committee on Environment and Public Works did pass the bill with a substitute amendment).

Representative Don Young (R-AK) later introduced H.R. 6233, which was based on H.R. 5689 and provided additional technical changes to P.L. 109-59. This legislation was passed in the House of Representatives by voice vote on September 29, 2006, but was never considered by the Senate.

Transportation and Infrastructure Chairman James Oberstar (D-MN) introduced H.R. 1195 on February 27, 2007. The Committee reported the bill favorably by voice vote on March 1, 2007 along with a manager's amendment.

According to the Committee report, “This bill is based upon H.R. 6233, as passed by the House in the 109th Congress. The bill includes additional corrections and conforming changes identified by the U.S. Department of Transportation and changes to previously-authorized projects requested by Members of Congress.”

Summary

H.R. 1195 includes provisions on the following:

Magnetic Transportation Levitation Deployment Program

- H.R. 1195 creates contract authority for this program and would amend the authorization for the following amounts: \$20 million for fiscal year 2007 and \$35 million each for both fiscal years 2008, and 2009 (\$90 million total).
- According to the Committee report, “SAFETEA-LU inadvertently did not include a provision making contract authority available for this program. This provision corrects the error.”

Idling Reduction Facilities

- H.R. 1195 repeals the provision of the U.S. Code (23 U.S.C. 111(d)) that allows for idling reduction facilities to be placed on rights of way.
- According to the Department of Transportation, “states may allow idling reduction facilities for commercial vehicles to be placed in rest or recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System. The idling reduction facilities may not reduce the existing number of truck parking spaces at a given rest or recreation area. States may charge a fee, or permit charging of a fee, for parking spaces actively providing idling reduction measures.”

Project Authorizations

- H.R. 1195 includes 231 technical changes and adjustments to project authorizations provided in SAFETEA-LU (Section 1702).
- H.R. 1195 includes changes to project descriptions, increases/decreases to project authorization levels and 18 project eliminations.
- H.R. 1195 provides a 100% Federal cost-share for the following two projects:

- 1) Reconstruction of the Neal Smith Trail, Bicycle and Pedestrian

- The project authorization level is currently \$2,880,000 and is located in Iowa

2) Construction of the Foothills Parkway in the Great Smoky Mountains

- The project authorization level is currently \$7,500,000 and the project is located in Tennessee

➤ For a full list of the technical corrections: [Section 105 of H.R. 1195](#)

Participation in the Joint Operation Center for Fuel Compliance

- H.R. 1195 allows a state to use up to \$1 million of the funds they receive through the surface transportation program formula (23 U.S.C. 104(b)(3)) for fuel, tax enforcement officers and other duties within the Joint Operation Center for Fuel compliance.

National Surface Transportation Policy and Revenue Commission

- H.R. 1195 provides the Commission with an additional \$2 million in contract authority for Fiscal Year 2007.
- H.R. 1195 specifies that funds allocated for the Commission “may be expended only to support the activities of the Commission. No data, analyses, reports, or any other documents prepared for the commission to fulfill its duties may be provided to or shared with other commissions or task forces until such data, analyses, reports, or documents have been made available to the public.”

**Note: This Commission was created in Section 1909 of SAFETEA-LU in order to “preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century.”*

Buy America

- H.R. 1195 amends a Sense of Congress provision that was included in SAFETEA-LU regarding the “Buy America Test” to include the following provision:

“The current application by the Federal Highway Administration of the Buy America test is only applied to components or parts of a bridge project and

not the entire bridge project and this is inconsistent with this Sense of Congress.”

**Note: Section 165 of the Surface Transportation Assistance Act of 1982 required the Buy America test*

Future Strategic Highway Research Program

- H.R. 1195 allows for a transfer of funds from Federal-aid highway funds to the Future Strategic Highway Research Program. According to the Committee report, this provision “provides funding for the Future Strategic Highway Research Program authorized under section 5210 of SAFETEA-LU as a percentage deduction from Federal-aid highway apportionments.”

Rescission of Contract Authority

- H.R. 1195 increases the rescission of unobligated balances of highway contract authority in order to offset new contract authority in this legislation.

**Note: According to the Congressional Budget Office, this section “would rescind \$117 million of contract authority in fiscal year 2009. That change, when combined with the new or increased contract authority that would be made available by the legislation, would reduce contract authority by \$25 million over the 2007-2009 period.”*

Definition of Repeat Intoxicated Driver Law

- H.R. 1195 changes the definition of “repeat intoxicated driver law” to include a State law that provides a penalty of:
 - a driver’s license suspension for at least 1 year; or
 - a combination or suspension of all driving privileges for 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual
- the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual

**Note: According to the Committee report: “Although the interlock provision was included in both the House- and Senate-passed bills, it was not included in the SAFETEA-LU Conference Report. H.R. 1195 incorporates this change by giving States more flexibility to either continue with the current one-year license suspension requirement, or permit a 45-day license suspension, after which limited driving privileges are reinstated provided that an ignition interlock device is placed on the offender's vehicle.”*

Cost

The Congressional Budget Office (CBO) issued a cost estimate of H.R. 1195 on March 21, 2007 explaining the following:

“H.R. 1195 would make numerous amendments to the current authorization law for highway programs—the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59). H.R. 1195 would provide contract authority (a mandatory form of budget authority) for magnetic levitation transportation projects and for the National Surface Transportation Policy and Revenue Commission. The bill also would rescind a portion of unused contract authority in fiscal year 2009, the last year of the current authorization period for highway and mass transit programs. The bill’s net impact would be a reduction of \$25 million in contract authority for highway programs over the 2007-2009 period.

CBO expects that spending for the programs mentioned above will be controlled by limits on annual obligations set in appropriation acts (known as obligation limitations). Consequently, the changes in contract authority would not affect direct spending outlays. The legislation would not amend the obligation limitations specified in current law; thus, CBO estimates that implementing this legislation would not have a significant impact on discretionary outlays. However, H.R. 1195 would affect direct spending by amending the authorization for a specific project that CBO expects would not be completed under current law. CBO estimates that the resulting increase in direct spending would be \$499,000. Enacting H.R. 1195 would not affect revenues.”

Staff Contact

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